

### REMARKS

Claims 1-11 are pending in the present application. The information disclosure statement filed March 18, 2004 was objected to as failing to comply with 37 CFR §1.98(a)(2). Claims 1 and 3-11 were rejected under 35 U.S.C. §102(b) as being anticipated by Hakamata et al., U.S. Patent No. 5,065,008. Claims 1 and 2 were rejected under 35 U.S.C. §102(b) as being anticipated by Hänninen et al., U.S. Patent No. 5,523,573.

Claim 1 has been amended. Claims 6-7 have been canceled. New claims 12-20 have been added. Reconsideration of the application is respectfully requested.

#### Certified copy of priority document

A certified copy of German priority document DE 102 53 609.0 is submitted herewith.

#### Objection to Information Disclosure Statement

The information disclosure statement filed March 18, 2004 was objected to as failing to comply with 37 CFR §1.98(a)(2). The Examiner has indicated that a copy of the David W. PISTON et al., "Two-photon-excitation fluorescence imaging of three-dimensional calcium-ion activity", Applied Optics, Vol. 33, No. 4, pp. 662-669, Feb. 1, 1994, reference cited in the March 18, 2004 information disclosure statement was not included with that information disclosure statement. A copy of the David W. PISTON et al., "Two-photon-excitation fluorescence imaging of three-dimensional calcium-ion activity", reference is submitted herewith for the Examiner's consideration. The Examiner's acknowledgement on the previously filed Form PTO-1449 of having considered the reference is respectfully requested.

Withdrawal of the objection to the information disclosure statement filed March 18, 2004 under 37 CFR §1.98(a)(2) is respectfully requested.

#### Rejections under 35 U.S.C. §102(b)

Claims 1 and 3-11 were rejected under 35 U.S.C. §102(b) as being anticipated by Hakamata et al., U.S. Patent No. 5,065,008. Claims 1 and 2 were rejected under 35 U.S.C.

§102(b) as being anticipated by Hänninen et al., U.S. Patent No. 5,523,573.

Hakamata et al. describes a liquid crystal panel 23 having a plurality of liquid crystal shutters 23a, 23a, ... that are sequentially opened in synchronization with a scanning operation based on a synchronization signal received from a control circuit 32. See col. 8, lines 29-39, and Fig. 1.

Hänninen et al. describes a shutter S1 used to chop light in time-resolved methodology. See col. 8, lines 15-18, and Fig. 5.

Independent claim 1 has now been amended to incorporate features of claims 6 and 7, which have now been canceled. Claim 1, as amended, recites "a monitoring means that measures the light power level of the detection light," and an optical shutter means with which the detection beam path can be blocked "based on the light power level of the detection light exceeding a definable threshold." It is respectfully submitted that neither Hakamata et al. nor Hänninen et al. teach or suggest these features of claim 1. In contrast, the liquid crystal shutters 23a of Hakamata et al. are controlled in synchronization with the scanning operation, not based on the power level of the detection light, as recited in claim 1. Regarding Hänninen et al., the shutter S1 of Hänninen et al. is controlled based on a time-resolved methodology, not based on the power level of the detection light, as recited in claim 1. Because both Hakamata et al. and Hänninen et al. are missing the above-recited features of independent claim 1, neither of these references can anticipate claim 1, or its remaining dependent claims 2-5 and 8-11.

Withdrawal of the respective rejections of independent claim 1, as well as dependent claims 2-11, under 35 U.S.C. §102(b) based respectively on Hakamata et al. and Hänninen et al., is respectfully requested.

#### New claims

New claims 12-20 have been added reciting methods analogous to apparatus claims 1-5 and 8-11. It is respectfully submitted that new claims 12-20 are patentable over the cited

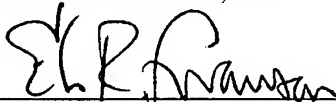
references for at least the same reasons that claims 1-5 and 8-11 are.

CONCLUSION

It is respectfully submitted that the application is now in condition for allowance.

Respectfully submitted,

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